

DOCKET NO.: P0777.70001US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Feiner et al.  
Serial No.: 10/517,759  
Confirmation No.: 1325  
Intern. Appln. No. PCT/EP03/05998  
I.A. Filing Date: June 6, 2003  
For:

Rec'd PCT/PTO 04 NOV 2005

10/517759

DEVICE FOR DETECTING THE PARAMETERS OF AN  
AEROSOL, IN PARTICULAR IN INHALATION  
THERAPY DEVICES

Examiner: Not yet assigned  
Art Unit: 3743

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 1st day of November 2005.

*Doris A. Champagne*  
Doris A. Champagne

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**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the enclosed search report from corresponding International Application No. PCT/EP03/05998 mailed September 30, 2003.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

English language abstracts are provided for DE 21 35 076, DE 100 22 795, DE 199 34 582, EP 0 689 848 and JP 57119240.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Feiner et al., Applicant*

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Docket No.: P0777.70001US00  
Date: November 1, 2005  
xNDDx

FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/517,759		ATTY. DOCKET NO.: P0777.70001US00		
				I.A. FILING DATE: June 6, 2003		CONFIRMATION NO.: 1325		
				APPLICANT: Feiner et al.				
				GROUP ART UNIT: 3743		EXAMINER: Not yet assigned		
Sheet	1	of	1					

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1	6,023,070		Wetegrove et al.	02-08-2000

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	2	DE	21 35 076	A	Keene Corp.	01-25-1973	Abstr.
	3	EP	1 061 356	A2	General Electric Company	12-20-2000	
	4	WO	02/36190	A2	Glaxo Group Limited	05-10-2002	
	5	DE	100 22 795	A1	Pari GmbH Spezialisten für effektive Inhalation	11-29-2001	Abstr.
	6	DE	199 34 582	A1	Otto Schill GmbH & Co KG	01-25-2001	Abstr.
	7	EP	0 689 848	A1	Commissariat A L'Energie Atomique	01-03-1996	Abstr.
	8	JP	57119240		Toshiba Corp.	07-24-1982	Abstr.

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	9	Search Report mailed September 30, 2003 for International Application No. PCT/EP03/05998	

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]